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Clifford W. Browning
KRIEG DEVAULT LLP
One Indiana Square
Suite 2800
Indianapolis, IN 46204-2079

In re Application of:	:	
GERMAIN, Nicolas	:	
U.S. Application No.: 10/524,624	:	
PCT No.: PCT/CH03/00490	:	
International Filing Date: 18 July 2003	:	
Priority Date: 19 July 2002	:	
Attorney's Docket No.: 16949-2	:	
For: SYSTEM FOR EXTRACTING	:	
INFORMATION FROM A	:	
NATURAL LANGUAGE TEXT	:	
	:	DECISION ON PETITION TO
	:	WITHDRAW HOLDING OF
	:	ABANDONMENT (37 CFR 1.181)
	:	AND RENEWED PETITION
	:	UNDER 37 CFR 1.47(b)

This decision is issued in response to the "Petition To Withdraw The Holding Of Abandonment Under 37 CFR 1.181(a)" filed 04 April 2008 and the "Renewed Petition Under 37 CFR 1.47(b)" filed 13 October 2006. No petition fees are required.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed 08 May 2006. The decision dismissed without prejudice applicants' petition under 37 CFR 1.47(b) for failure to satisfy all the requirements of a grantable petition. The decision provided an extendable two-month response period, and indicated that the failure to file a timely response would result in abandonment.

On 13 October 2006, applicants filed the "Renewed Petition Under 37 CFR 1.47(b)" considered herein, with required three-month extension fee.

On 13 April 2007 and 15 October 2007, applicants filed status inquiries regarding the present application.

On 25 January 2008, this Office mailed a response to applicants' status inquiries. The response stated that no response to the 08 May 2006 decision had been received and that the application was therefore abandoned.

On 18 March 2008, the DO/EO/US mailed a "Notification of Abandonment" indicating that the application was abandoned for failure to respond to the decision mailed 08 May 2006.

On 04 April 2008, applicants filed the "Petition To Withdraw The Holding Of Abandonment Under 37 CFR 1.181(a)" considered herein. The petition asserts that applicants filed a timely response to the decision mailed 08 May 2006, and that the holding of abandonment should therefore be withdrawn. The petition includes a copy of the previously filed response and a return postcard itemizing these materials and bearing a USPTO receipt stamp dated 13 October 2006.

DISCUSSION

1. Petition To Withdraw Holding Of Abandonment (37 CFR 1.181)

Based on applicants' statements herein, the return postcard bearing the 13 October 2006 USPTO receipt stamp, and a review of the application file, it is concluded that applicants filed a response to the 08 May 2006 decision, including the "Renewed Petition Under 37 CFR 1.47(b)" considered below, on 13 October 2006. In view of the three-month extension fee included with such submission, the materials filed 13 October 2006 are considered a timely response to the decision mailed on 08 May 2006.

The Notification Of Abandonment mailed 18 March 2008, based as it was on applicants' purported failure to file a timely response to the 08 May 2006 decision, is appropriately vacated, as requested by applicants herein.

2. Renewed Petition Under 37 CFR 1.47(b)

The decision mailed 08 May 2006 indicated that petitioner had not provided an acceptable showing that the inventor refuses to execute the application or cannot be reached after diligent effort. Specifically, the decision stated that, based on the inventor's assertion that he did not understand English, the facts asserted (i.e., the inventor's refusal to execute the English language declaration) could not be accepted as a showing that the inventor had refused to execute the application. The decision required either an adequate showing that the inventor knows English well enough to understand the contents of the declaration and specification that he is being asked to execute or, in the alternative, proper firsthand evidence that the inventor has been provided with a copy of the application and declaration in the inventor's own language and has refused to execute the declaration (a copy of the USPTO French/English declaration form was provided with the decision).

The renewed petition includes supplemental materials asserting that the non-signing inventor has communicated using English at times in the past. However, the materials provided are not sufficient to confirm that the non-signing inventor has a sufficient fluency in English to interpret his refusal to execute an English language declaration (a document which he is being asked to execute under penalty of perjury) as a refusal to execute the application. Moreover, petitioner has provided no showing as to why it cannot provide the inventor with a copy of a French/English version of the declaration (i.e., a Form PTO/SB/105) for signature, as suggested in the previous decision.

Based on the above, the present record fails to demonstrate that the non-signing inventor has refused to execute the application. The final requirement for a grantable petition under 37 CFR 1.47(b) remains unsatisfied.

CONCLUSION

The petition under 37 CFR 1.181 for withdrawal of the holding of abandonment is **GRANTED**.

The Notification Of Abandonment mailed 18 March 2008 is hereby **VACATED**.

The renewed petition under 37 CFR 1.47(b) is **DISMISSED** without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Second Renewed Petition Under 37 CFR 1.47(b)" and must include the materials required to satisfy the outstanding requirement of a grantable petition, as discussed above, in the previous decision, and in the applicable sections of the MPEP.

Failure to provide a proper and timely response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273- 0459